In the High Court of Punjab and Haryana at Chandigarh.

Civil Revision No.1524 of 2007.

Date of decision:20.3.2007.

Naresh Kumar Malik.

...Petitioner

Versus

Jitender Singh and others.

...Respondents.

...

Coram: Hon'ble Mr. Justice S .N. Aggarwal.

...

Present: Mr.Harkesh Manuja Advocate for the petitioner.

...

Judgment.

S. N. Aggarwal, J.

Attar Singh (predecessor-in-interest of respondent Nos.1 to 3) was the owner of the shop in dispute. It was in possession of Suresh, respondent No.4 as a tenant. Said Attar Singh filed ejectment petition against his tenant Suresh and ejectment order was passed against said Suresh on 17.3.1999. Said Suresh filed an appeal. It was dismissed by the learned Appellate Authority on 26.9.2001. Said Suresh also filed revision petition in this Court. The said revision petition was also dismissed as withdrawn on 19.9.2005. Respondent Nos.1 to 3 filed execution application of the said ejectment order. The petitioner filed objections under Order 21 Rule 97 read with Rule 99 CPC. It was pleaded by the petitioner that Suresh

had surrendered possession and the petitioner was inducted as a tenant by the landlord in October, 2004 on monthly rent of Rs.1,000/-. The petitioner had made payment of Rs.20,000/- as advance. Hence, it was pleaded that the petitioner cannot be dispossessed in pursuance of ejectment order passed against Suresh, respondent No.4. The petitioner was in possession of the shop in dispute in his own right.

It was denied by the respondent Nos.1 to 3 if Suresh, respondent No.4 had surrendered possession in favour of the landlords or if the petitioner was inducted as a tenant on the monthly rent of Rs.1,000/- or if the petitioner had made payment of Rs.20,000/- as advance. The objection petition filed by the petitioner was dismissed by the executing Court vide impugned order dated 12.3.2007.

Hence, the present revision petition.

Admittedly, the petitioner does not have any rent note or rent deed in his favour. Although he alleges that he has made payment of Rs.20,000/- to the landlords respondent Nos.1 to 3 but he has not been able to place any rent receipt which might have been issued by the landlords in favour of the petitioner or the receipt of Rs.20,000/- or the rent receipts which might have been issued by the landlord respondents in favour of the petitioner. There is no other document on the file to prove the status of the petitioner as a tenant in the shop in dispute.

The learned counsel for the petitioner submits that the petitioner is in possession of the shop in dispute and reference was made to some electricity bills. The petitioner may be in possession of the shop in dispute. The allegations of the landlords are that the petitioner was in

possession of the shop in dispute in collusion with by Suresh tenant. Since the petitioner was in possession of the shop in collusion with Suresh, he has to go with Suresh tenant who is the judgment debtor.. There is no legal infirmity in the impugned order dated 12.3.2007 passed by the learned trial Court.

No merit.

Dismissed.

March 20,2007. (S. N. Aggarwal)
Jaggi Judge